

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SPB, NH, and JHB, individuals,

Plaintiffs,

v.

WASHOE COUNTY SCHOOL DISTRICT,

Defendant.

Case No. 3:22-cv-00340-ART-CLB

ORDER DENYING MOTION FOR
RECONSIDERATION AND MOTION TO
STAY

Plaintiffs SPB, NH, and JHB sued Defendant Washoe County School District for violations of JHB's rights under the Individuals with Disabilities Education Act ("IDEA"). The Court granted Plaintiffs partial summary judgment, finding that the District violated its child find obligation and denied JHB a free appropriate public education ("FAPE") under the IDEA. (ECF No. 57.) The Court declined to rule on appropriate reimbursement or equitable remedy and ordered Plaintiffs to file a motion for reimbursement. (*Id.*)

The District moved the Court to reconsider its order, arguing that the Court should not have allowed Plaintiffs to file additional briefing on remedies. (ECF No. 58.) The District then moved the Court to stay proceedings pending adjudication of the motion for reconsideration. (ECF No. 66.) For the following reasons, the Court denies Defendant's motion for reconsideration (ECF No. 58) and denies Defendant's motion to stay (ECF No. 66). The Court grants Defendant's motion for an extension of time (ECF No. 75).

I. LEGAL STANDARD

A district court may reconsider an interlocutory order for cause, so long as it retains jurisdiction. LR 59-1(a). Reconsideration may be appropriate if the district court "(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening

1 change in controlling law.” *Smith v. Clark Cnty. Sch. Dist.*, 727 F.3d 950, 955 (9th
2 Cir. 2013) (citing *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir.
3 1993)); *see also* LR 59-1(a). “Clear error occurs when ‘the reviewing court on the
4 entire record is left with the definite and firm conviction that a mistake has been
5 committed.’” *Smith*, 727 F.3d at 955 (citing *United States v. U.S. Gypsum Co.*, 333
6 U.S. 364, 395 (1948)). “Motions for reconsideration are disfavored [and a] movant
7 must not repeat arguments already presented unless (and only to the extent)
8 necessary to explain controlling, intervening law or to argue new facts.” LR 59-
9 1(b).

10 **II. DISCUSSION**

11 **a. Motion for Reconsideration**

12 The District does not present newly discovered evidence or argue that there
13 has been an intervening change of law. Instead, the District asserts that the
14 Court’s order violates federal and local rules of civil procedure, the IDEA, and the
15 due process clause. (ECF No. 58 at 9.)

16 District courts have broad discretion to manage their dockets. *Johnson v.*
17 *Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992). And the Ninth
18 Circuit has found that a court does not abuse its discretion when ordering
19 supplemental briefing. *See, e.g., Heyman v. Nevada ex rel. Bd. of Regents of*
20 *Nevada Sys. of Higher Educ.*, No. 21-16377, 2022 WL 3594080, at *2 (9th Cir.
21 Aug. 23, 2022) (“the district court did not abuse its discretion in ordering
22 supplemental motions for summary judgment from the parties regarding certain
23 claims”); *Arizona v. City of Tucson*, 761 F.3d 1005, 1009 n. 2 (9th Cir. 2014) (“the
24 district court did not abuse its discretion in ordering the State to provide
25 additional information through supplemental briefing, in lieu of ordering formal
26 discovery”).

27 As the District points out, the IDEA permits the introduction of “additional
28

evidence.” 20 U.S.C.A. § 1415(e)(2). Accordingly, “judicial review in IDEA cases differs substantially from judicial review in other agency actions, in which courts generally are confined to the administrative record and are held to a highly deferential standard of review.” *Ojai Unified Sch. Dist. v. Jackson*, 4 F.3d 1467, 1471 (9th Cir. 1993). In *Ojai*, the Ninth Circuit construed the term “additional” to mean “supplemental” and explained that: “The determination of what is ‘additional’ evidence must be left to the discretion of the trial court which must be careful not to allow such evidence to change the character of the hearing from one of review to a trial *de novo*.” *Id.* at 1472-3 (quoting *Town of Burlington v. Department of Edu.*, 736 F.2d 773, 791 (1st Cir. 1984)). The Court’s order requesting additional briefing on remedies does not transform this case into a *de novo* trial; it merely allows the Court to fashion an appropriate equitable remedy.

Other courts have adopted the same approach that the Court took in this case. *See, e.g., J.R. by & through Perez v. Ventura Unified Sch. Dist.*, 668 F. Supp. 3d 1054, 1078 (C.D. Cal. 2023) (finding an IDEA violation and ordering supplemental briefing on remedies); *A.P. v. Pasadena Unified Sch. Dist.*, No. CV 19-7965-MWF (SSX), 2021 WL 810416, at *12 (C.D. Cal. Jan. 26, 2021) (same).

The Court’s decision to order supplemental briefing on remedies is within its broad authority to manage its docket and its broad discretion to craft appropriate relief under IDEA. *See* 20 U.S.C. § 1415(i)(2)(C)(iii); *Forest Grove Sch. Dist. v. T.A.*, 557 U.S. 230, 238 (2009). The District has failed to demonstrate that the Court committed clear error or that reconsideration is warranted for any other reason.

b. Motion to Stay

The District moved the Court to stay this case pending adjudication of the motion for reconsideration. (ECF No. 66.) Because the Court denies the motion for reconsideration, the motion to stay is denied as moot.

1 **c. Motion to Extend**

2 The District moves to extend the deadline for its response to Plaintiffs'
3 motion to supplement the administrative record (ECF No. 67), arguing that such
4 a response may not be necessary if the Court grants either the Defendant's
5 motion to strike (ECF No. 73) or motion for reconsideration (ECF No. 58). Good
6 cause appearing, the Court grants Defendant's motion for an extension of time
7 (ECF No. 75).

8 **III. CONCLUSION**

9 It is therefore ordered that Defendant's motion for reconsideration (ECF No.
10 66) is denied.

11 It is further ordered that Defendant's motion to stay (ECF No. 58) is denied.

12 It is further ordered that Defendant's motion for an extension of time (ECF
13 No. 75) is granted.

14 Defendant has until 14 days after this Court rules on Defendant's motion
15 to strike (ECF No. 73) to respond to Plaintiffs' motion to supplement the
16 administrative record (ECF No. 67).

17 Plaintiffs are directed to submit a motion as instructed in the Court's prior
18 order (ECF No. 57), not to exceed twenty pages, within 30 days of this order. The
19 District will have 21 days to respond, and Plaintiffs will have 14 days to reply. To
20 summarize, the deadlines shall be as follows:

- 21 • Plaintiffs' supplemental briefing: February 24, 2025
22 • Defendant's response: March 17, 2025
23 • Plaintiffs' reply: March 31, 2025

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25 DATED: January 24, 2025

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28 ANNE R. TRAUM
 UNITED STATES DISTRICT JUDGE